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EXAMINER

NGUYEN, DAVID Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,052

Applicant(s)

WIESE ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/11/25.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-38 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 8-10, 13-17, 37 and 38 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 7, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/11/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 36 are objected to because of the following informalities: There are two claims 36. Appropriate correction is required.

For purpose examining, Examiner assumes:

“36. A mobile telephone according to claim 34 wherein the conversion of the radio signals is in accordance with standard protocols such as DTMF” is “35. A mobile telephone according to claim 34 wherein the conversion of the radio signals is in accordance with standard protocols such as DTMF”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sheffer et al. (US 5,218,367).

Regarding claim 1, Sheffer et al. disclose a mobile telephone device (see fig. 2, apparatus 10; col. 4, lines 5-30) including a single transceiver (see fig. 2, transceiver 32 and col. 4, lines 5-

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30) for connecting the telephone device to a mobile telephone network (see fig. 1); and a controller (see fig. 2, controller 36) coupled to the transceiver (see fig. 2), the controller operative to place the mobile telephone device in at least one of: a telephone condition thereby allowing a user to selectively connect to the mobile telephone network (see col. 5, lines 4-26; when no alarm or emergency condition exists, the unit 10 can be operated conventionally as a cellular phone); and in response to receiving an alarm signal, an alarm condition to connect the transceiver to the mobile telephone network and thereby notify a predetermined terminal of the receipt of the alarm signal (see col. 4, line 66 to col. 5, line 26).

3. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 2004/0204806 A1).

Regarding claim 38, Chen et al disclose a security system (see abstract and fig. 1, the rescue-asking alarm system 20) for protection of an area (see abstract and fig. 1, in a motor vehicle), the system including: an alarm arrangement for detecting unauthorized activity in respect of the protected area and for generating an alarm signal in response to detection of the unauthorized activity (see abstract and par. 0016); and a mobile telephone device (see fig. 1, wireless communication apparatus 25) connected to the alarm arrangement (see fig. 1), the mobile telephone device being operable in an alarm condition to connect to a mobile telephone network (see abstract; fig. 1 and par. 0016, par. 0020) and notify a predetermined terminal of the generation of the alarm signal and in a telephone condition to allow a user to connect to the mobile telephone network (see abstract; fig. 1 and par. 0016, par. 0020, dialing up a call center 10 or the motor vehicle owner's telephone 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2,5-6,8-10,13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer et al. (US 5,218,367) in view of Chen et al. (US 2004/0204806 A1).

Regarding claim 2, Sheffer et al. does not mention wherein the alarm signal is received in response to the detection of unauthorised activity in respect of a vehicle in which the mobile telephone device is installed. However, Chen et al disclose an alarm signal is received in response to the detection of unauthorised activity in respect of a vehicle in which the mobile telephone device is installed (see par. 0016 and par. 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Chen et al. to Sheffer et al. so that the system can inform the motor vehicle owner that someone has intruded into his/her motor vehicle.

Regarding claim 5, the mobile telephone device of Sheffer et al. in view of Chen et al. also comprises wherein the mobile telephone device forms part of a mobile telephone for installation in the vehicle (see figs. 2-3 and col. 4, lines 5-16 of Sheffer et al.).

Regarding claim 6, Sheffer et al. in view of Chen et al. also disclose wherein the mobile telephone in the vehicle is substantially hidden from view (see col. 4, lines 39-42 of Sheffer et al.).

Regarding claims 8-9, the mobile telephone of Sheffer et al. in view of Chen et al. also include a disconnectably connectable headset comprising a microphone-and-speaker system; a speaker in the form of an ear-piece for location in an ear of a driver of the vehicle (see col. 4, lines 60-65 and col. 6, lines 45-52 of Sheffer et al.).

Regarding claim 10, the mobile telephone of Sheffer et al. in view of Chen et al. also includes a dialup system for permitting a user to control the mobile telephone device by use of a mobile telephone handset (see col. 4, line 66 and col. 5, line 27 and col. 6, lines 54-61 of Sheffer et al, contact primary and secondary telephone numbers in the event of an emergency, the cellular handset can be used for voice signal transmission or driver of the vehicle has activated a manually operated panic button on the cellular phone handset), and to connect the handset to the mobile telephone network (see col. 4, line 66 and col. 5, line 25, the cellular handset can be used for voice signal transmission of Sheffer et al).

Regarding claim 13, the mobile telephone of Sheffer et al. in view of Chen et al. also includes a cordless keypad for interfacing with the controller of the mobile telephone device via wireless communication signals, such as infra-red communication signals (see col. 6, lines 58-61, the cellular handset can be used for voice signal transmission or driver of the vehicle has activated a manually operated panic button on the cellular phone handset of Sheffer et al).

Regarding claim 14, Sheffer et al. does not mention wherein the transceiver includes means for providing a position signal indicative of the geographical position of the mobile telephone device. However, Chen discloses a transceiver including means for providing a position signal indicative of the geographical position of the mobile telephone device (see par. 0017 and fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide the above teaching of Chen et al. to Sheffer et al. in order to enable the motor vehicle owner to trace the motor vehicle.

Regarding claim 15, Sheffer et al. does not mention wherein the predetermined terminal is the user's mobile telephone. However, Chen et al. disclose the predetermined terminal is the user's mobile telephone (see fig. 1, mobile terminal 40 and par. 0016). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Chen et al. to Sheffer et al. in order to inform the motor vehicle owner of the occurrence of an abnormal condition.

Regarding claims 16 and 17, Sheffer et al. does not mention wherein the notification of the alarm signal is by way of a text message; and wherein the notification is a voice call. However, Chen et al disclose the notification of the alarm signal is by way of a text message (see par. 0024); wherein the notification is a voice call (see par. 0024). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Chen et al. to Sheffer et al. in order to inform the motor vehicle owner of the occurrence of an abnormal condition quickly and fast by using warning messages installed the system.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer et al. (US 5,218,367) in view of Rodgers (US 2004/0113768 A1).

Regarding claim 37, Sheffer et al. does not mention a monitoring application including a mobile telephone device according to claim 1 wherein the alarm signal is received by the mobile telephone device when a predetermined value of a performance variable relating a process located at a remote location is not met. However, Rodgers discloses a monitoring application

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including a mobile telephone device according to claim 1 wherein the alarm signal is received by the mobile telephone device when a predetermined value of a performance variable relating a process located at a remote location is not met (see pars. 0054-0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rodgers to Sheffer et al. in order to inform the motor vehicle owner of unauthorized tampering with the authorized vehicle.

Allowable Subject Matter

6. Claims 3-4,7 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3-4, Sheffer et al. (US 5,218,367) in view of Chen et al. (US 2004/0204806 A1) fail to disclose wherein a switch is arranged to place the mobile telephone device in the alarm condition in response to switching off of the vehicle and in the telephone condition in response to ignition of the vehicle, and wherein the controller further includes means for diverting incoming communications received when the telephone device is in the alarm condition, to an answering service, in combination with all other limitations in the claim as defined by applicant.

Regarding claim 7, Sheffer et al. (US 5,218,367) in view of Chen et al. (US 2004/0204806 A1) fail to disclose a keypad that is operable between a hidden condition in which the keypad is hidden from view, and an operative position, in which the key pad is visible and is

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readily accessible to a driver of the vehicle, in combination with all other limitations in the claim as defined by applicant.

Regarding claims 11-12, Sheffer et al. (US 5,218,367) in view of Chen et al. (US 2004/0204806 A1) fail to disclose the audio signals being generated in response to the pressing of keys on a keypad of the handset, and for converting the audio signals to electronic command signals for the mobile telephone; wherein the conversion of the audio signals is in accordance with standard protocols such as DTMF, as specified in claims 11-12, in combination with all other limitations in the claim as defined by applicant.

7. Claims 18-34 are allowed.

Claim 18 is allowed because the closest prior arts, Sheffer et al (US 5,218,367), Chen et al. (US 2004/0204806 A1) and Rodgers (US 2004/0113768 A1), either singularly or in combination, fail to anticipate or render obvious that the controller having a security subscriber identification module for use in connection to the mobile telephone network when the mobile telephone device is in the alarm condition and a user subscriber identification module for use in connection to the mobile telephone network when the mobile telephone device is in the telephone condition, in combination with all other limitations in the claim(s) as defined by applicant.

Claims 19-34 depend on claim 18. Therefore, they are allowed.

8. Claims 36 being dependent upon an allowed claim would be allowable if corrected.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Janky (US 6,184,801 B1) teaches clandestine location reporting for missing vehicle.


Ogino et al. (US 6,100,792) teaches car security apparatus and car security system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Q Nguyen
Examiner
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